

Message Text

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ORIGIN EB-11

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L/T - MISS NILSEN

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: ETRN, CA

SUBJ: CIVAIR - PROCEDURES FOR PREPARING AND SIGNING
AGREEMENTS

1. THIS MESSAGE PROVIDES GUIDANCE RE VARIOUS STEPS AND
PROCEDURES FOR PREPARATION OF TEXTS FOR SIGNATURE ONCE
FINAL TEXTS HAVE BEEN AGREED. EMBASSY SHOULD ALSO REFER
TO 11 FAM 732-732.2.

2. CHARTER AGREEMENT AND PRECLEARANCE AGREEMENT. SINCE
AGREEMENTS BEING SIGNED OTTAWA, IT WOULD USUALLY BE
RESPONSIBILITY OF EXTAFF TO ENGROSS THESE AGREEMENTS.
HOWEVER, EMBASSY MAY LEND ASSISTANCE IF EXTAFF SO DESIRES.
DUPLICATE ORIGINALS SHOULD BE PREPARED, NAMELY, THE US
ALTERNAT IN BOTH ENGLISH AND FRENCH AND THE CANADIAN
ALTERNAT IN BOTH ENGLISH AND FRENCH. SEE 11 FAM 732.1-2
REGARDING THE ARRANGEMENT OF NAMES OF COUNTRIES AND
SIGNATORIES. IT IS EXPECTED THAT THE "TANDEM" FORM OF
ALTERNAT PROCEDURE AS SET FORTH IN 11 FAM 732.1-1 WOULD
BE THE MOST CONVENIENT PROCEDURE TO FOLLOW. IN THE US
ORIGINAL, THE ENGLISH TEXT WOULD BE PLACED FIRST AND THE
FRENCH TEXT NEXT. EXTAFF WILL PROBABLY ELECT TO HAVE THE
SAME ARRANGEMENT FOR THE CANADIAN ORIGINAL. IT WOULD BE
DESIRABLE TO HAVE THE CONCLUDING PARTS, BEGINNING WITH
"IN WITNESS WHEREOF", ENGROSSED IN BOTH LANGUAGES AT THE
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END OF THE SECOND LANGUAGE VERSION ON THE PAGE ON WHICH

SIGNATURES WILL APPEAR, SO THAT ONLY ONE SET OF SIGNATURES WILL BE REQUIRED FOR EACH ORIGINAL. THIS WAS THE PROCEDURE FOLLOWED FOR THE 1966 AIR TRANSPORT AGREEMENT WITH CANADA. IN ANY EVENT, EVEN IF THE "IN WITNESS WHEREOF" PORTION IS INCLUDED SEPARATELY AFTER EACH LANGUAGE, THE TWO LANGUAGE VERSIONS SHOULD BE BOUND TOGETHER FOR THE US ORIGINAL AND BOUND TOGETHER FOR THE CANADIAN ORIGINAL.

3. EXCHANGE OF NOTES. ALL NOTES SIGNED BY US WILL BE IN ENGLISH LANGUAGE ONLY. CANADIANS HAVE PROVIDED FRENCH LANGUAGE TRANSLATIONS OF ALL US NOTES WHICH CANADIANS MAY USE IF THEY WISH WHEN PUBLISHING US NOTES, BUT SINCE WE ARE NOT FORMALLY CERTIFYING TO CORRECTNESS THESE TRANSLATIONS, ONLY THE ENGLISH VERSIONS OF US NOTES CAN BE REGARDED AS OFFICIAL. TO BE CERTAIN THERE IS NO CONFUSION IN THIS REGARD, FOLLOWING IS COMPLETE RUNDOWN OF NOTES AND LANGUAGE VERSIONS WHICH WILL CONSTITUTE THE OFFICIAL VERSIONS OF ALL NOTES EXCHANGED:

A. EXCHANGE OF NOTES AMENDING AIR TRANSPORT AGREEMENT OF 1966. CANADIAN NOTES IN ENGLISH AND FRENCH, BOTH VERSIONS SIGNED, WITH ATTACHED SCHEDULES IN ENGLISH AND FRENCH, RESPECTIVELY. US RESPONSE NOTE IN ENGLISH ONLY.

B. EXCHANGE OF NOTES CONCERNING RELATIONSHIP BETWEEN ROUTE AGREEMENT AND PRECLEARANCE AGREEMENT. US NOTE IN ENGLISH ONLY AND CANADIAN RESPONSE NOTES IN ENGLISH AND FRENCH, BOTH VERSIONS OF CANADIAN NOTES SIGNED.

C. EXCHANGE OF NOTES ON SOME RESERVATIONS BY BOTH GOVERNMENTS. US NOTE IN ENGLISH ONLY. CANADIAN REPLY NOTES IN ENGLISH AND FRENCH, BOTH VERSIONS SIGNED. US REPLY NOTE IN ENGLISH ONLY.

D. EXCHANGE OF NOTES ON TRANSITIONAL ARRANGEMENTS. CANADIAN NOTES IN ENGLISH AND FRENCH, BOTH VERSIONS SIGNED. US RESPONSE NOTE IN ENGLISH ONLY.

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4. ALL US NOTES SHOULD BE ADDRESSED AND CONTAIN APPROPRIATE SALUTORY AND COMPLIMENTARY CLOSING LANGUAGE. IF SARP SIGNS CANADIAN NOTES, SALUTATION ON US NOTE SHOULD BE "SIR"; ADDRESSEE SHOULD BE "THE HONORABLE, SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA"; AND COMPLIMENTARY CLOSE SHOULD BE "ACCEPT, SIR, THE RENEWED ASSURANCES OF MY HIGHEST CONSIDERATION". AMBASSADOR SHOULD SIGN HIS NAME ONLY, WITHOUT TYPED TITLE.

5. PRIOR TO SIGNING, EMBOFF SHOULD ARRANGE PROOF ENGROSSED VERSIONS OF AGREEMENTS PREPARED BY CANADA AGAINST MASTER DRAFTS IN EMBASSY'S HANDS. RE NOTE EXCHANGES, EXTAFF WILL WISH PROOF US NOTES AND EMBASSY SHOULD PROOF CANADIAN NOTES, PERHAPS IN A JOINT SESSION.

6. US ALTERNATS OF PRECLEARANCE AND CHARTER AGREEMENT, ORIGINALS OF ALL CANADIAN NOTES, AND CERTIFIED COPIES OF ALL US NOTES SHOULD BE FORWARDED DEPARTMENT, ATTENTION ASSISTANT LEGAL ADVISOR, TREATY AFFAIRS, AS SOON AS POSSIBLE AFTER SIGNATURE.

7. UNLESS DESIRED BY EMBASSY, IT NOT NECESSARY FOR IT ISSUE PRESS RELEASE. CANADIANS WILL PRESUMABLY DO SO. DEPARTMENT WILL ISSUE PRESS RELEASE BRIEFLY DESCRIBING AGREEMENTS SIGNED AND ATTACHING COMPLETE TEXTS OF ALL AGREEMENTS AND NOTE EXCHANGES.

8. RE PARA 4 OTTAWA 860, IT IS NOT CUSTOMARY FOR US TO FURNISH FULL POWERS FOR SIGNATURE BY AMBASSADORS FOR AGREEMENTS SUCH AS THESE SINCE THEY ARE NOT TREATIES. AMBASSADOR CONSIDERED BY VIRTUE HIS POSITION TO HAVE AUTHORIZATION TO SIGN WITHOUT FULL POWERS. EMBASSY REQUESTED INFORM EXTAFF OUR POSITION THIS REGARD AND REQUEST THAT, IF POSSIBLE, EXTAFF NOT REQUIRE SUBMISSION OF FULL POWERS FOR THESE AGREEMENTS. RUSH

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